SENATE BILL No. 405

DIGEST OF INTRODUCED BILL

Citations Affected: IC 22-3.

Synopsis: Worker's compensation. Increases worker's compensation and occupational disease benefits. Increases compensation for permanent partial impairment.

Effective: July 1, 2007.

Mrvan

January 11, 2007, read first time and referred to Committee on Pensions and Labor.



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First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in this style type, and deletions will appear in this style type.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

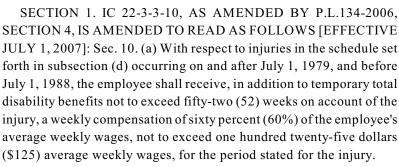
Conflict reconciliation: Text in a statute in *this style type* or *this style type* reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

C

SENATE BILL No. 405

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

Be it enacted by the General Assembly of the State of Indiana:



- (b) With respect to injuries in the schedule set forth in subsection (d) occurring on and after July 1, 1988, and before July 1, 1989, the employee shall receive, in addition to temporary total disability benefits not exceeding seventy-eight (78) weeks on account of the injury, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed one hundred sixty-six dollars (\$166) average weekly wages, for the period stated for the injury.
 - (c) With respect to injuries in the schedule set forth in subsection



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(d) occurring on and after July 1, 1989, and before July 1, 1990, the employee shall receive, in addition to temporary total disability benefits not exceeding seventy-eight (78) weeks on account of the injury, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed one hundred eighty-three dollars (\$183) average weekly wages, for the period stated for the injury.

(d) With respect to injuries in the following schedule occurring on and after July 1, 1990, and before July 1, 1991, the employee shall receive, in addition to temporary total disability benefits not exceeding seventy-eight (78) weeks on account of the injury, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed two hundred dollars (\$200) average weekly wages, for the period stated for the injury.

(1) Amputation: For the loss by separation of the thumb, sixty (60) weeks, of the index finger forty (40) weeks, of the second finger thirty-five (35) weeks, of the third or ring finger thirty (30) weeks, of the fourth or little finger twenty (20) weeks, of the hand by separation below the elbow joint two hundred (200) weeks, or the arm above the elbow two hundred fifty (250) weeks, of the big toe sixty (60) weeks, of the second toe thirty (30) weeks, of the third toe twenty (20) weeks, of the fourth toe fifteen (15) weeks, of the fifth or little toe ten (10) weeks, for loss occurring on and after April 1, 1959, by separation of the foot below the knee joint, one hundred seventy-five (175) weeks and of the leg above the knee joint two hundred twenty-five (225) weeks. The loss of more than one (1) phalange of a thumb or toes shall be considered as the loss of the entire thumb or toe. The loss of more than two (2) phalanges of a finger shall be considered as the loss of the entire finger. The loss of not more than one (1) phalange of a thumb or toe shall be considered as the loss of one-half (1/2) of the thumb or toe and compensation shall be paid for one-half (1/2) of the period for the loss of the entire thumb or toe. The loss of not more than one (1) phalange of a finger shall be considered as the loss of one-third (1/3) of the finger and compensation shall be paid for one-third (1/3) the period for the loss of the entire finger. The loss of more than one (1) phalange of the finger but not more than two (2) phalanges of the finger, shall be considered as the loss of one-half (1/2) of the finger and compensation shall be paid for one-half (1/2) of the period for the loss of the entire finger.

(2) For the loss by separation of both hands or both feet or the total sight of both eyes, or any two (2) such losses in the same accident, five hundred (500) weeks.

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1	(3) For the permanent and complete loss of vision by enucleation
2 3	or its reduction to one-tenth $(1/10)$ of normal vision with glasses,
3 4	one hundred seventy-five (175) weeks.
5	(4) For the permanent and complete loss of hearing in one (1) ear,
6	seventy-five (75) weeks, and in both ears, two hundred (200) weeks.
7	(5) For the loss of one (1) testicle, fifty (50) weeks; for the loss of
8	both testicles, one hundred fifty (150) weeks.
9	(e) With respect to injuries in the schedule set forth in subsection
10	(h) occurring on and after July 1, 1979, and before July 1, 1988, the
11	employee shall receive, in addition to temporary total disability benefits
12	not exceeding fifty-two (52) weeks on account of the injury, a weekly
13	compensation of sixty percent (60%) of the employee's average weekly
14	wages not to exceed one hundred twenty-five dollars (\$125) average
15	weekly wages for the period stated for the injury.
16	(f) With respect to injuries in the schedule set forth in subsection (h)
17	occurring on and after July 1, 1988, and before July 1, 1989, the
18	employee shall receive, in addition to temporary total disability benefits
19	not exceeding seventy-eight (78) weeks on account of the injury, a
20	weekly compensation of sixty percent (60%) of the employee's average
21	weekly wages, not to exceed one hundred sixty-six dollars (\$166)
22	average weekly wages, for the period stated for the injury.
23	(g) With respect to injuries in the schedule set forth in subsection
24	(h) occurring on and after July 1, 1989, and before July 1, 1990, the
25	employee shall receive, in addition to temporary total disability benefits
26	not exceeding seventy-eight (78) weeks on account of the injury, a
27	weekly compensation of sixty percent (60%) of the employee's average
28	weekly wages, not to exceed one hundred eighty-three dollars (\$183)
29	average weekly wages, for the period stated for the injury.
30	(h) With respect to injuries in the following schedule occurring on
31	and after July 1, 1990, and before July 1, 1991, the employee shall
32	receive, in addition to temporary total disability benefits not exceeding
33	seventy-eight (78) weeks on account of the injury, a weekly
34	compensation of sixty percent (60%) of the employee's average weekly
35	wages, not to exceed two hundred dollars (\$200) average weekly
36	wages, for the period stated for the injury.
37	(1) Loss of use: The total permanent loss of the use of an arm,
38	hand, thumb, finger, leg, foot, toe, or phalange shall be considered
39	as the equivalent of the loss by separation of the arm, hand,
40	thumb, finger, leg, foot, toe, or phalange, and compensation shall
41	be paid for the same period as for the loss thereof by separation.
42	(2) Partial loss of use: For the permanent partial loss of the use of



1	an arm, hand, thumb, finger, leg, foot, toe, or phalange,
2	compensation shall be paid for the proportionate loss of the use of
3	such arm, hand, thumb, finger, leg, foot, toe, or phalange.
4	(3) For injuries resulting in total permanent disability, five
5	hundred (500) weeks.
6	(4) For any permanent reduction of the sight of an eye less than a
7	total loss as specified in subsection (d)(3), compensation shall be
8	paid for a period proportionate to the degree of such permanent
9	reduction without correction or glasses. However, when such
10	permanent reduction without correction or glasses would result in
11	one hundred percent (100%) loss of vision, but correction or
12	glasses would result in restoration of vision, then in such event
13	compensation shall be paid for fifty percent (50%) of such total
14	loss of vision without glasses, plus an additional amount equal to
15	the proportionate amount of such reduction with glasses, not to
16	exceed an additional fifty percent (50%).
17	(5) For any permanent reduction of the hearing of one (1) or both
18	ears, less than the total loss as specified in subsection (d)(4),
19	compensation shall be paid for a period proportional to the degree
20	of such permanent reduction.
21	(6) In all other cases of permanent partial impairment,
22	compensation proportionate to the degree of such permanent
23	partial impairment, in the discretion of the worker's compensation
24	board, not exceeding five hundred (500) weeks.
25	(7) In all cases of permanent disfigurement which may impair the
26	future usefulness or opportunities of the employee, compensation,
27	in the discretion of the worker's compensation board, not
28	exceeding two hundred (200) weeks, except that no compensation
29	shall be payable under this subdivision where compensation is
30	payable elsewhere in this section.
31	(i) With respect to injuries in the following schedule occurring on
32	and after July 1, 1991, the employee shall receive in addition to
33	temporary total disability benefits, not exceeding one hundred
34	twenty-five (125) weeks on account of the injury, compensation in an
35	amount determined under the following schedule to be paid weekly at
36	a rate of sixty-six and two-thirds percent (66 2/3%) of the employee's
37	average weekly wages during the fifty-two (52) weeks immediately
38	preceding the week in which the injury occurred.
39	(1) Amputation: For the loss by separation of the thumb, twelve
40	(12) degrees of permanent impairment; of the index finger, eight
41	(8) degrees of permanent impairment; of the second finger, seven

(7) degrees of permanent impairment; of the third or ring finger,



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1	six (6) degrees of permanent impairment; of the fourth or little
2	finger, four (4) degrees of permanent impairment; of the hand by
3	separation below the elbow joint, forty (40) degrees of permanent
4	impairment; of the arm above the elbow, fifty (50) degrees of
5	permanent impairment; of the big toe, twelve (12) degrees of
6	permanent impairment; of the second toe, six (6) degrees of
7	permanent impairment; of the third toe, four (4) degrees of
8	permanent impairment; of the fourth toe, three (3) degrees of
9	permanent impairment; of the fifth or little toe, two (2) degrees of
10	permanent impairment; by separation of the foot below the knee
11	joint, thirty-five (35) degrees of permanent impairment; and of the
12	leg above the knee joint, forty-five (45) degrees of permanent
13	impairment.
14	(2) Amputations: For the loss by separation of any of the body
15	parts described in subdivision (1) on or after July 1, 1997, and for
16	the loss by separation of any of the body parts described in
17	subdivision (3), (5), or (8), on or after July 1, 1999, the dollar
18	values per degree applying on the date of the injury as described
19	in subsection (j) shall be multiplied by two (2). However, the
20	doubling provision of this subdivision does not apply to a loss of
21	use that is not a loss by separation.
22	(3) The loss of more than one (1) phalange of a thumb or toe shall
23	be considered as the loss of the entire thumb or toe. The loss of
24	more than two (2) phalanges of a finger shall be considered as the
25	loss of the entire finger. The loss of not more than one (1)
26	phalange of a thumb or toe shall be considered as the loss of
27	one-half (1/2) of the degrees of permanent impairment for the loss
28	of the entire thumb or toe. The loss of not more than one (1)
29	phalange of a finger shall be considered as the loss of one-third
30	(1/3) of the finger and compensation shall be paid for one-third
31	(1/3) of the degrees payable for the loss of the entire finger. The
32	loss of more than one (1) phalange of the finger but not more than
33	two (2) phalanges of the finger shall be considered as the loss of
34	one-half (1/2) of the finger and compensation shall be paid for
35	one-half (1/2) of the degrees payable for the loss of the entire
36	finger.
37	(4) For the loss by separation of both hands or both feet or the
38	total sight of both eyes or any two (2) such losses in the same
39	accident, one hundred (100) degrees of permanent impairment.
40	(5) For the permanent and complete loss of vision by enucleation,
41	thirty-five (35) degrees of permanent impairment.

(6) For the reduction of vision to one-tenth (1/10) of normal



1	vision with glasses, thirty-five (35) degrees of permanent
2	impairment.
3	(7) For the permanent and complete loss of hearing in one (1) ear,
4	fifteen (15) degrees of permanent impairment, and in both ears,
5	forty (40) degrees of permanent impairment.
6	(8) For the loss of one (1) testicle, ten (10) degrees of permanent
7	impairment; for the loss of both testicles, thirty (30) degrees of
8	permanent impairment.
9	(9) Loss of use: The total permanent loss of the use of an arm, a
.0	hand, a thumb, a finger, a leg, a foot, a toe, or a phalange shall be
. 1	considered as the equivalent of the loss by separation of the arm,
.2	hand, thumb, finger, leg, foot, toe, or phalange, and compensation
.3	shall be paid in the same amount as for the loss by separation.
4	However, the doubling provision of subdivision (2) does not
.5	apply to a loss of use that is not a loss by separation.
6	(10) Partial loss of use: For the permanent partial loss of the use
.7	of an arm, a hand, a thumb, a finger, a leg, a foot, a toe, or a
. 8	phalange, compensation shall be paid for the proportionate loss of
9	the use of the arm, hand, thumb, finger, leg, foot, toe, or phalange.
20	(11) For injuries resulting in total permanent disability, the
21	amount payable for impairment or five hundred (500) weeks of
22	compensation, whichever is greater.
23	(12) For any permanent reduction of the sight of an eye less than
24	a total loss as specified in subsection (h)(4), the compensation
25	shall be paid in an amount proportionate to the degree of a
26	permanent reduction without correction or glasses. However,
27	when a permanent reduction without correction or glasses would
28	result in one hundred percent (100%) loss of vision, then
29	compensation shall be paid for fifty percent (50%) of the total loss
30	of vision without glasses, plus an additional amount equal to the
51	proportionate amount of the reduction with glasses, not to exceed
32	an additional fifty percent (50%).
33	(13) For any permanent reduction of the hearing of one (1) or both
34	ears, less than the total loss as specified in subsection (h)(5),
55	compensation shall be paid in an amount proportionate to the
66	degree of a permanent reduction.
57	(14) In all other cases of permanent partial impairment,
8	compensation proportionate to the degree of a permanent partial
19	impairment, in the discretion of the worker's compensation board,
10	not exceeding one hundred (100) degrees of permanent
1	impairment.
12	(15) In all cases of permanent disfigurement which may impair



1	the future usefulness or opportunities of the employee,
2	compensation, in the discretion of the worker's compensation
3	board, not exceeding forty (40) degrees of permanent impairment
4	except that no compensation shall be payable under this
5	subdivision where compensation is payable elsewhere in this
6	section.
7	(j) Compensation for permanent partial impairment shall be paid
8	according to the degree of permanent impairment for the injury
9	determined under subsection (i) and the following:
10	(1) With respect to injuries occurring on and after July 1, 1991,
11	and before July 1, 1992, for each degree of permanent impairment
12	from one (1) to thirty-five (35), five hundred dollars (\$500) per
13	degree; for each degree of permanent impairment from thirty-six
14	(36) to fifty (50), nine hundred dollars (\$900) per degree; for each
15	degree of permanent impairment above fifty (50), one thousand
16	five hundred dollars (\$1,500) per degree.
17	(2) With respect to injuries occurring on and after July 1, 1992,
18	and before July 1, 1993, for each degree of permanent impairment
19	from one (1) to twenty (20), five hundred dollars (\$500) per
20	degree; for each degree of permanent impairment from
21	twenty-one (21) to thirty-five (35), eight hundred dollars (\$800)
22	per degree; for each degree of permanent impairment from
23	thirty-six (36) to fifty (50), one thousand three hundred dollars
24	(\$1,300) per degree; for each degree of permanent impairment
25	above fifty (50), one thousand seven hundred dollars (\$1,700) per
26	degree.
27	(3) With respect to injuries occurring on and after July 1, 1993,
28	and before July 1, 1997, for each degree of permanent impairment
29	from one (1) to ten (10), five hundred dollars (\$500) per degree;
30	for each degree of permanent impairment from eleven (11) to
31	twenty (20), seven hundred dollars (\$700) per degree; for each
32	degree of permanent impairment from twenty-one (21) to
33	thirty-five (35), one thousand dollars (\$1,000) per degree; for
34	each degree of permanent impairment from thirty-six (36) to fifty
35	(50), one thousand four hundred dollars (\$1,400) per degree; for
36	each degree of permanent impairment above fifty (50), one
37	thousand seven hundred dollars (\$1,700) per degree.
38	(4) With respect to injuries occurring on and after July 1, 1997,
39	and before July 1, 1998, for each degree of permanent impairment
40	from one (1) to ten (10), seven hundred fifty dollars (\$750) per
41	degree; for each degree of permanent impairment from eleven
42	(11) to thirty-five (35), one thousand dollars (\$1,000) per degree;



1	for each degree of permanent impairment from thirty-six (36) to
2	fifty (50), one thousand four hundred dollars (\$1,400) per degree;
3	for each degree of permanent impairment above fifty (50), one
4	thousand seven hundred dollars (\$1,700) per degree.
5	(5) With respect to injuries occurring on and after July 1, 1998,
6	and before July 1, 1999, for each degree of permanent impairment
7	from one (1) to ten (10), seven hundred fifty dollars (\$750) per
8	degree; for each degree of permanent impairment from eleven
9	(11) to thirty-five (35), one thousand dollars (\$1,000) per degree;
.0	for each degree of permanent impairment from thirty-six (36) to
.1	fifty (50), one thousand four hundred dollars (\$1,400) per degree;
2	for each degree of permanent impairment above fifty (50), one
.3	thousand seven hundred dollars (\$1,700) per degree.
4	(6) With respect to injuries occurring on and after July 1, 1999,
.5	and before July 1, 2000, for each degree of permanent impairment
.6	from one (1) to ten (10), nine hundred dollars (\$900) per degree;
7	for each degree of permanent impairment from eleven (11) to
. 8	thirty-five (35), one thousand one hundred dollars (\$1,100) per
9	degree; for each degree of permanent impairment from thirty-six
20	(36) to fifty (50), one thousand six hundred dollars (\$1,600) per
21	degree; for each degree of permanent impairment above fifty (50),
.2	two thousand dollars (\$2,000) per degree.
23	(7) With respect to injuries occurring on and after July 1, 2000,
24	and before July 1, 2001, for each degree of permanent impairment
2.5	from one (1) to ten (10), one thousand one hundred dollars
26	(\$1,100) per degree; for each degree of permanent impairment
27	from eleven (11) to thirty-five (35), one thousand three hundred
28	dollars (\$1,300) per degree; for each degree of permanent
.9	impairment from thirty-six (36) to fifty (50), two thousand dollars
30	(\$2,000) per degree; for each degree of permanent impairment
1	above fifty (50), two thousand five hundred fifty dollars (\$2,500)
32	per degree.
33	(8) With respect to injuries occurring on and after July 1, 2001,
34	and before July 1, 2007, for each degree of permanent impairment
35	from one (1) to ten (10), one thousand three hundred dollars
66	(\$1,300) per degree; for each degree of permanent impairment
57	from eleven (11) to thirty-five (35), one thousand five hundred
8	dollars (\$1,500) per degree; for each degree of permanent
19	impairment from thirty-six (36) to fifty (50), two thousand four
10	hundred dollars (\$2,400) per degree; for each degree of
1	permanent impairment above fifty (50), three thousand dollars
12	(\$3,000) per degree.



1	(9) With respect to injuries occurring on and after July 1, 2007
2	and before July 1, 2008, for each degree of permanent impairmen
3	from one (1) to ten (10), one thousand three hundred forty fifty
4	dollars (\$1,340) (\$1,350) per degree; for each degree of
5	permanent impairment from eleven (11) to thirty-five (35), one
6	thousand five hundred forty-five fifty-seven dollars (\$1,545)
7	(\$1,557) per degree; for each degree of permanent impairmen
8	from thirty-six (36) to fifty (50), two thousand four hundred
9	seventy-five ninety-one dollars (\$2,475) (\$2,491) per degree; for
10	each degree of permanent impairment above fifty (50), three
11	thousand one hundred fifty fourteen dollars (\$3,150) (\$3,114) pe
12	degree.
13	(10) With respect to injuries occurring on and after July 1, 2008
14	and before July 1, 2009, for each degree of permanent impairmen
15	from one (1) to ten (10), one thousand three four hundred
16	sixty-five one dollars (\$1,365) (\$1,401) per degree; for each
17	degree of permanent impairment from eleven (11) to thirty-five
18	(35), one thousand five six hundred seventy sixteen dollars
19	(\$1,570) (\$1,616) per degree; for each degree of permanen
20	impairment from thirty-six (36) to fifty (50), two thousand five
21	hundred twenty-five eighty-six dollars (\$2,525) (\$2,586) per
22	degree; for each degree of permanent impairment above fifty (50)
23	three thousand two hundred thirty-three dollars (\$3,200)
24	(\$3,233) per degree.
25	(11) With respect to injuries occurring on and after July 1, 2009
26	and before July 1, 2010, for each degree of permanent impairmen
27	from one (1) to ten (10), one thousand three four hundred eighty
28	fifty-four dollars (\$1,380) (\$1,454) per degree; for each degree
29	of permanent impairment from eleven (11) to thirty-five (35), one
30	thousand five six hundred eighty-five seventy-eight dollars
31	(\$1,585) (\$1,678) per degree; for each degree of permanen
32	impairment from thirty-six (36) to fifty (50), two thousand six
33	hundred eighty-five dollars (\$2,600) (\$2,685) per degree; for
34	each degree of permanent impairment above fifty (50), three
35	thousand three hundred fifty-six dollars (\$3,300) (\$3,356) per
36	degree.
37	(12) With respect to injuries occurring on and after July 1, 2010
38	for each degree of permanent impairment from one (1) to ten (10)
39	one thousand four five hundred nine dollars (\$1,400) (\$1,509) per
40	degree; for each degree of permanent impairment from elever
41	(11) to thirty-five (35) one thousand six seven hundred forty-two

dollars (\$1,600) (\$1,742) per degree; for each degree of



1	permanent impairment from thirty-six (36) to fifty (50), two	
2	thousand seven hundred eighty-seven dollars (\$2,700) (\$2,787)	
3	per degree; for each degree of permanent impairment above fifty	
4	(50), three thousand five four hundred eighty-four dollars	
5	(\$3,500) (\$3,484) per degree.	
6	(k) The average weekly wages used in the determination of	
7	compensation for permanent partial impairment under subsections (i)	
8	and (j) shall not exceed the following:	
9	(1) With respect to injuries occurring on or after July 1, 1991, and	
.0	before July 1, 1992, four hundred ninety-two dollars (\$492).	
.1	(2) With respect to injuries occurring on or after July 1, 1992, and	
.2	before July 1, 1993, five hundred forty dollars (\$540).	`
.3	(3) With respect to injuries occurring on or after July 1, 1993, and	
4	before July 1, 1994, five hundred ninety-one dollars (\$591).	
5	(4) With respect to injuries occurring on or after July 1, 1994, and	
6	before July 1, 1997, six hundred forty-two dollars (\$642).	4
7	(5) With respect to injuries occurring on or after July 1, 1997, and	
8	before July 1, 1998, six hundred seventy-two dollars (\$672).	
9	(6) With respect to injuries occurring on or after July 1, 1998, and	
20	before July 1, 1999, seven hundred two dollars (\$702).	
21	(7) With respect to injuries occurring on or after July 1, 1999, and	
22	before July 1, 2000, seven hundred thirty-two dollars (\$732).	
23	(8) With respect to injuries occurring on or after July 1, 2000, and	
24	before July 1, 2001, seven hundred sixty-two dollars (\$762).	
2.5	(9) With respect to injuries occurring on or after July 1, 2001, and	
26	before July 1, 2002, eight hundred twenty-two dollars (\$822).	
27	(10) With respect to injuries occurring on or after July 1, 2002,	1
28	and before July 1, 2006, eight hundred eighty-two dollars (\$882).	\
29	(11) With respect to injuries occurring on or after July 1, 2006,	
0	and before July 1, 2007, nine hundred dollars (\$900).	
31	(12) With respect to injuries occurring on or after July 1, 2007,	
32	and before July 1, 2008, nine hundred thirty thirty-four dollars	
3	(\$930). (\$934).	
34	(11) (13) With respect to injuries occurring on or after July 1,	
35	2008, and before July 1, 2009, nine hundred fifty-four seventy	
6	dollars (\$954). (\$970).	
37	(12) (14) With respect to injuries occurring on or after July 1,	
8	2009, nine hundred seventy-five and before July 1, 2010, one	
9	thousand seven dollars (\$975). (\$1,007).	
10	(15) With respect to injuries occurring on or after July 1,	
1	2010, one thousand forty-five dollars (\$1,045).	
12	SECTION 2. IC 22-3-3-22, AS AMENDED BY P.L.134-2006,	
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1	SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE	
2	JULY 1, 2007]: Sec. 22. (a) In computing compensation for temporary	
3	total disability, temporary partial disability, and total permanent	
4	disability, with respect to injuries occurring on and after July 1, 1985,	
5	and before July 1, 1986, the average weekly wages are considered to	
6	be:	
7	(1) not more than two hundred sixty-seven dollars (\$267); and	
8	(2) not less than seventy-five dollars (\$75).	
9	However, the weekly compensation payable shall not exceed the	
10	average weekly wages of the employee at the time of the injury.	
11	(b) In computing compensation for temporary total disability,	
12	temporary partial disability, and total permanent disability, with respect	
13	to injuries occurring on and after July 1, 1986, and before July 1, 1988,	
14	the average weekly wages are considered to be:	
15	(1) not more than two hundred eighty-five dollars (\$285); and	
16	(2) not less than seventy-five dollars (\$75).	
17	However, the weekly compensation payable shall not exceed the	
18	average weekly wages of the employee at the time of the injury.	
19	(c) In computing compensation for temporary total disability,	
20	temporary partial disability, and total permanent disability, with respect	
21	to injuries occurring on and after July 1, 1988, and before July 1, 1989,	
22	the average weekly wages are considered to be:	
23	(1) not more than three hundred eighty-four dollars (\$384); and	
24	(2) not less than seventy-five dollars (\$75).	
25	However, the weekly compensation payable shall not exceed the	
26	average weekly wages of the employee at the time of the injury.	
27	(d) In computing compensation for temporary total disability,	
28	temporary partial disability, and total permanent disability, with respect	
29	to injuries occurring on and after July 1, 1989, and before July 1, 1990,	
30	the average weekly wages are considered to be:	
31	(1) not more than four hundred eleven dollars (\$411); and	
32	(2) not less than seventy-five dollars (\$75).	
33	However, the weekly compensation payable shall not exceed the	
34	average weekly wages of the employee at the time of the injury.	
35	(e) In computing compensation for temporary total disability,	
36	temporary partial disability, and total permanent disability, with respect	
37	to injuries occurring on and after July 1, 1990, and before July 1, 1991,	
38	the average weekly wages are considered to be:	
39	(1) not more than four hundred forty-one dollars (\$441); and	
40	(2) not less than seventy-five dollars (\$75).	
41	However, the weekly compensation payable shall not exceed the	

average weekly wages of the employee at the time of the injury.



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1	(f) In computing compensation for temporary total disability,	
2	temporary partial disability, and total permanent disability, with respect	
3	to injuries occurring on and after July 1, 1991, and before July 1, 1992,	
4	the average weekly wages are considered to be:	
5	(1) not more than four hundred ninety-two dollars (\$492); and	
6	(2) not less than seventy-five dollars (\$75).	
7	However, the weekly compensation payable shall not exceed the	
8	average weekly wages of the employee at the time of the injury.	
9	(g) In computing compensation for temporary total disability,	
10	temporary partial disability, and total permanent disability, with respect	
11	to injuries occurring on and after July 1, 1992, and before July 1, 1993,	
12	the average weekly wages are considered to be:	
13	(1) not more than five hundred forty dollars (\$540); and	
14	(2) not less than seventy-five dollars (\$75).	
15	However, the weekly compensation payable shall not exceed the	
16	average weekly wages of the employee at the time of the injury.	
17	(h) In computing compensation for temporary total disability,	
18	temporary partial disability, and total permanent disability, with respect	
19	to injuries occurring on and after July 1, 1993, and before July 1, 1994,	
20	the average weekly wages are considered to be:	
21	(1) not more than five hundred ninety-one dollars (\$591); and	
22	(2) not less than seventy-five dollars (\$75).	
23	However, the weekly compensation payable shall not exceed the	
24	average weekly wages of the employee at the time of the injury.	
25	(i) In computing compensation for temporary total disability,	
26	temporary partial disability, and total permanent disability, with respect	
27	to injuries occurring on and after July 1, 1994, and before July 1, 1997,	
28	the average weekly wages are considered to be:	
29	(1) not more than six hundred forty-two dollars (\$642); and	
30	(2) not less than seventy-five dollars (\$75).	
31	However, the weekly compensation payable shall not exceed the	
32	average weekly wages of the employee at the time of the injury.	
33	(j) In computing compensation for temporary total disability,	
34	temporary partial disability, and total permanent disability, the average	
35	weekly wages are considered to be:	
36	(1) with respect to injuries occurring on and after July 1, 1997,	
37	and before July 1, 1998:	
38	(A) not more than six hundred seventy-two dollars (\$672); and	
39	(B) not less than seventy-five dollars (\$75);	
40	(2) with respect to injuries occurring on and after July 1, 1998,	
41	and before July 1, 1999:	
42	(A) not more than seven hundred two dollars (\$702); and	



1	(B) not less than seventy-five dollars (\$75);	
2	(3) with respect to injuries occurring on and after July 1, 1999,	
3	and before July 1, 2000:	
4	(A) not more than seven hundred thirty-two dollars (\$732);	
5	and	
6	(B) not less than seventy-five dollars (\$75);	
7	(4) with respect to injuries occurring on and after July 1, 2000,	
8	and before July 1, 2001:	
9	(A) not more than seven hundred sixty-two dollars (\$762); and	
10	(B) not less than seventy-five dollars (\$75);	
11	(5) with respect to injuries occurring on and after July 1, 2001,	
12	and before July 1, 2002:	
13	(A) not more than eight hundred twenty-two dollars (\$822);	
14	and	
15	(B) not less than seventy-five dollars (\$75);	
16	(6) with respect to injuries occurring on and after July 1, 2002,	
17	and before July 1, 2006:	
18	(A) not more than eight hundred eighty-two dollars (\$882);	
19	and	
20	(B) not less than seventy-five dollars (\$75);	
21	(7) with respect to injuries occurring on and after July 1, 2006,	
22	and before July 1, 2007:	U
23	(A) not more than nine hundred dollars (\$900); and	
24	(B) not less than seventy-five dollars (\$75);	
25	(8) with respect to injuries occurring on and after July 1, 2007,	
26	and before July 1, 2008:	
27	(A) not more than nine hundred thirty thirty-four dollars	V
28	(\$930); (\$934); and	
29	(B) not less than seventy-five dollars (\$75);	
30 31	(9) with respect to injuries occurring on and after July 1, 2008,	
32	and before July 1, 2009:	
33	(A) not more than nine hundred fifty-four seventy dollars	
3 <i>3</i>	(\$954); (\$970); and (B) not less than seventy five dellars (\$75); and	
35	(B) not less than seventy-five dollars (\$75); and (10) with respect to injuries occurring on and after July 1, 2009,	
36	and before July 1, 2010:	
37	(A) not more than nine hundred seventy-five one thousand	
38	seven dollars (\$975); (\$1,007); and	
39	(B) not less than seventy-five dollars (\$75); and	
40	(11) with respect to injuries occurring on and after July 1,	
41	2010:	
42	(A) not more than one thousand forty-five dollars (\$1,045);	
	() not more than one thousand forty interesting (#19075),	



1	and
2	(B) not less than seventy-five dollars (\$75).
3	However, the weekly compensation payable shall not exceed the
4	average weekly wages of the employee at the time of the injury.
5	(k) With respect to any injury occurring on and after July 1, 1985,
6	and before July 1, 1986, the maximum compensation, exclusive of
7	medical benefits, which may be paid for an injury under any provisions
8	of this law or any combination of provisions may not exceed
9	eighty-nine thousand dollars (\$89,000) in any case.
10	(1) With respect to any injury occurring on and after July 1, 1986,
11	and before July 1, 1988, the maximum compensation, exclusive of
12	medical benefits, which may be paid for an injury under any provisions
13	of this law or any combination of provisions may not exceed
14	ninety-five thousand dollars (\$95,000) in any case.
15	(m) With respect to any injury occurring on and after July 1, 1988,
16	and before July 1, 1989, the maximum compensation, exclusive of
17	medical benefits, which may be paid for an injury under any provisions
18	of this law or any combination of provisions may not exceed one
19	hundred twenty-eight thousand dollars (\$128,000) in any case.
20	(n) With respect to any injury occurring on and after July 1, 1989,
21	and before July 1, 1990, the maximum compensation, exclusive of
22	medical benefits, which may be paid for an injury under any provisions
23	of this law or any combination of provisions may not exceed one
24	hundred thirty-seven thousand dollars (\$137,000) in any case.
25	(o) With respect to any injury occurring on and after July 1, 1990,
26	and before July 1, 1991, the maximum compensation, exclusive of
27	medical benefits, which may be paid for an injury under any provisions
28	of this law or any combination of provisions may not exceed one
29	hundred forty-seven thousand dollars (\$147,000) in any case.
30	(p) With respect to any injury occurring on and after July 1, 1991,
31	and before July 1, 1992, the maximum compensation, exclusive of
32	medical benefits, that may be paid for an injury under any provisions
33	of this law or any combination of provisions may not exceed one
34	hundred sixty-four thousand dollars (\$164,000) in any case.
35	(q) With respect to any injury occurring on and after July 1, 1992,
36	and before July 1, 1993, the maximum compensation, exclusive of
37	medical benefits, that may be paid for an injury under any provisions
38	of this law or any combination of provisions may not exceed one
39	hundred eighty thousand dollars (\$180,000) in any case.
40	(r) With respect to any injury occurring on and after July 1, 1993,
41	and before July 1, 1994, the maximum compensation, exclusive of
42	medical benefits, that may be paid for an injury under any provisions



l	of this law or any combination of provisions may not exceed one
2	hundred ninety-seven thousand dollars (\$197,000) in any case.
3	(s) With respect to any injury occurring on and after July 1, 1994,
4	and before July 1, 1997, the maximum compensation, exclusive of
5	medical benefits, which may be paid for an injury under any provisions
6	of this law or any combination of provisions may not exceed two
7	hundred fourteen thousand dollars (\$214,000) in any case.
8	(t) The maximum compensation, exclusive of medical benefits, that
9	may be paid for an injury under any provision of this law or any
10	combination of provisions may not exceed the following amounts in
11	any case:
12	(1) With respect to an injury occurring on and after July 1, 1997,
13	and before July 1, 1998, two hundred twenty-four thousand
14	dollars (\$224,000).
15	(2) With respect to an injury occurring on and after July 1, 1998,
16	and before July 1, 1999, two hundred thirty-four thousand dollars
17	(\$234,000).
18	(3) With respect to an injury occurring on and after July 1, 1999,
19	and before July 1, 2000, two hundred forty-four thousand dollars
20	(\$244,000).
21	(4) With respect to an injury occurring on and after July 1, 2000,
22	and before July 1, 2001, two hundred fifty-four thousand dollars
23	(\$254,000).
24	(5) With respect to an injury occurring on and after July 1, 2001,
25	and before July 1, 2002, two hundred seventy-four thousand
26	dollars (\$274,000).
27	(6) With respect to an injury occurring on and after July 1, 2002,
28 29	and before July 1, 2006, two hundred ninety-four thousand dollars (\$294,000).
30	(3294,000). (7) With respect to an injury occurring on and after July 1, 2006,
31	and before July 1, 2007, three hundred thousand dollars
32	(\$300,000).
33	(8) With respect to an injury occurring on and after July 1, 2007,
34	and before July 1, 2008, three hundred ten eleven thousand four
35	hundred thirty dollars (\$310,000). (\$311,430).
36	(9) With respect to an injury occurring on and after July 1, 2008,
37	and before July 1, 2009, three hundred eighteen twenty-three
38	thousand two hundred ninety-five dollars (\$318,000).
39	(\$323,295).
40	(10) With respect to an injury occurring on and after July 1, 2009,
41	and before July 1, 2010, three hundred twenty-five thirty-five
42	thousand six hundred thirteen dollars (\$325,000). (\$335,613).



(11) With respect to an injury occurring on and after July 1, 2010, three hundred forty-eight thousand four hundred dollars (\$348,400).

SECTION 3. IC 22-3-7-16, AS AMENDED BY P.L.134-2006, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 16. (a) Compensation shall be allowed on account of disablement from occupational disease resulting in only temporary total disability to work or temporary partial disability to work beginning with the eighth day of such disability except for the medical benefits provided for in section 17 of this chapter. Compensation shall be allowed for the first seven (7) calendar days only as provided in this section. The first weekly installment of compensation for temporary disability is due fourteen (14) days after the disability begins. Not later than fifteen (15) days from the date that the first installment of compensation is due, the employer or the employer's insurance carrier shall tender to the employee or to the employee's dependents, with all compensation due, a properly prepared compensation agreement in a form prescribed by the board. Whenever an employer or the employer's insurance carrier denies or is not able to determine liability to pay compensation or benefits, the employer or the employer's insurance carrier shall notify the worker's compensation board and the employee in writing on a form prescribed by the worker's compensation board not later than thirty (30) days after the employer's knowledge of the claimed disablement. If a determination of liability cannot be made within thirty (30) days, the worker's compensation board may approve an additional thirty (30) days upon a written request of the employer or the employer's insurance carrier that sets forth the reasons that the determination could not be made within thirty (30) days and states the facts or circumstances that are necessary to determine liability within the additional thirty (30) days. More than thirty (30) days of additional time may be approved by the worker's compensation board upon the filing of a petition by the employer or the employer's insurance carrier that sets forth:

- (1) the extraordinary circumstances that have precluded a determination of liability within the initial sixty (60) days;
- (2) the status of the investigation on the date the petition is filed;
- (3) the facts or circumstances that are necessary to make a determination; and
- (4) a timetable for the completion of the remaining investigation. An employer who fails to comply with this section is subject to a civil penalty of fifty dollars (\$50), to be assessed and collected by the board upon notice and hearing. Civil penalties collected under this section



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shall be deposited in the state general fund	shall	be d	eposited	in	the	state	general	func
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- (b) Once begun, temporary total disability benefits may not be terminated by the employer unless:
 - (1) the employee has returned to work;
 - (2) the employee has died;

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- (3) the employee has refused to undergo a medical examination under section 20 of this chapter;
- (4) the employee has received five hundred (500) weeks of temporary total disability benefits or has been paid the maximum compensation allowable under section 19 of this chapter; or
- (5) the employee is unable or unavailable to work for reasons unrelated to the compensable disease.

In all other cases the employer must notify the employee in writing of the employer's intent to terminate the payment of temporary total disability benefits, and of the availability of employment, if any, on a form approved by the board. If the employee disagrees with the proposed termination, the employee must give written notice of disagreement to the board and the employer within seven (7) days after receipt of the notice of intent to terminate benefits. If the board and employer do not receive a notice of disagreement under this section, the employee's temporary total disability benefits shall be terminated. Upon receipt of the notice of disagreement, the board shall immediately contact the parties, which may be by telephone or other means and attempt to resolve the disagreement. If the board is unable to resolve the disagreement within ten (10) days of receipt of the notice of disagreement, the board shall immediately arrange for an evaluation of the employee by an independent medical examiner. The independent medical examiner shall be selected by mutual agreement of the parties or, if the parties are unable to agree, appointed by the board under IC 22-3-4-11. If the independent medical examiner determines that the employee is no longer temporarily disabled or is still temporarily disabled but can return to employment that the employer has made available to the employee, or if the employee fails or refuses to appear for examination by the independent medical examiner, temporary total disability benefits may be terminated. If either party disagrees with the opinion of the independent medical examiner, the party shall apply to the board for a hearing under section 27 of this chapter.

(c) An employer is not required to continue the payment of temporary total disability benefits for more than fourteen (14) days after the employer's proposed termination date unless the independent medical examiner determines that the employee is temporarily disabled and unable to return to any employment that the employer has made











available to the employee.

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- (d) If it is determined that as a result of this section temporary total disability benefits were overpaid, the overpayment shall be deducted from any benefits due the employee under this section and, if there are no benefits due the employee or the benefits due the employee do not equal the amount of the overpayment, the employee shall be responsible for paying any overpayment which cannot be deducted from benefits due the employee.
- (e) For disablements occurring on and after July 1, 1976, from occupational disease resulting in temporary total disability for any work there shall be paid to the disabled employee during the temporary total disability weekly compensation equal to sixty-six and two-thirds percent (66 2/3%) of the employee's average weekly wages, as defined in section 19 of this chapter, for a period not to exceed five hundred (500) weeks. Compensation shall be allowed for the first seven (7) calendar days only if the disability continues for longer than twenty-one (21) days.
- (f) For disablements occurring on and after July 1, 1974, from occupational disease resulting in temporary partial disability for work there shall be paid to the disabled employee during such disability a weekly compensation equal to sixty-six and two-thirds percent (66 2/3%) of the difference between the employee's average weekly wages, as defined in section 19 of this chapter, and the weekly wages at which the employee is actually employed after the disablement, for a period not to exceed three hundred (300) weeks. Compensation shall be allowed for the first seven (7) calendar days only if the disability continues for longer than twenty-one (21) days. In case of partial disability after the period of temporary total disability, the latter period shall be included as a part of the maximum period allowed for partial disability.
- (g) For disabilities occurring on and after July 1, 1979, and before July 1, 1988, from occupational disease in the schedule set forth in subsection (j), the employee shall receive in addition to disability benefits, not exceeding fifty-two (52) weeks on account of the occupational disease, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed one hundred twenty-five dollars (\$125) average weekly wages, for the period stated for the disabilities.
- (h) For disabilities occurring on and after July 1, 1988, and before July 1, 1989, from occupational disease in the schedule set forth in subsection (j), the employee shall receive in addition to disability benefits, not exceeding seventy-eight (78) weeks on account of the











occupational disease, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed one hundred sixty-six dollars (\$166) average weekly wages, for the period stated for the disabilities.

- (i) For disabilities occurring on and after July 1, 1989, and before July 1, 1990, from occupational disease in the schedule set forth in subsection (j), the employee shall receive in addition to disability benefits, not exceeding seventy-eight (78) weeks on account of the occupational disease, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed one hundred eighty-three dollars (\$183) average weekly wages, for the period stated for the disabilities.
- (j) For disabilities occurring on and after July 1, 1990, and before July 1, 1991, from occupational disease in the following schedule, the employee shall receive in addition to disability benefits, not exceeding seventy-eight (78) weeks on account of the occupational disease, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed two hundred dollars (\$200) average weekly wages, for the period stated for the disabilities.
 - (1) Amputations: For the loss by separation, of the thumb, sixty (60) weeks; of the index finger, forty (40) weeks; of the second finger, thirty-five (35) weeks; of the third or ring finger, thirty (30) weeks; of the fourth or little finger, twenty (20) weeks; of the hand by separation below the elbow, two hundred (200) weeks; of the arm above the elbow joint, two hundred fifty (250) weeks; of the big toe, sixty (60) weeks; of the second toe, thirty (30) weeks; of the third toe, twenty (20) weeks; of the fourth toe, fifteen (15) weeks; of the fifth or little toe, ten (10) weeks; of the foot below the knee joint, one hundred fifty (150) weeks; and of the leg above the knee joint, two hundred (200) weeks. The loss of more than one (1) phalange of a thumb or toe shall be considered as the loss of the entire thumb or toe. The loss of more than two (2) phalanges of a finger shall be considered as the loss of the entire finger. The loss of not more than one (1) phalange of a thumb or toe shall be considered as the loss of one-half (1/2) of the thumb or toe and compensation shall be paid for one-half (1/2) of the period for the loss of the entire thumb or toe. The loss of not more than two (2) phalanges of a finger shall be considered as the loss of one-half (1/2) the finger and compensation shall be paid for one-half (1/2) of the period for the loss of the entire finger.
 - (2) Loss of Use: The total permanent loss of the use of an arm, hand, thumb, finger, leg, foot, toe, or phalange shall be considered



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1	as the equivalent of the loss by separation of the arm, hand,
2	thumb, finger, leg, foot, toe, or phalange and the compensation
3	shall be paid for the same period as for the loss thereof by
4	separation.
5	(3) Partial Loss of Use: For the permanent partial loss of the use
6	of an arm, hand, thumb, finger, leg, foot, toe, or phalange,
7	compensation shall be paid for the proportionate loss of the use of
8	such arm, hand, thumb, finger, leg, foot, toe, or phalange.
9	(4) For disablements for occupational disease resulting in total
10	permanent disability, five hundred (500) weeks.
11	(5) For the loss of both hands, or both feet, or the total sight of
12	both eyes, or any two (2) of such losses resulting from the same
13	disablement by occupational disease, five hundred (500) weeks.
14	(6) For the permanent and complete loss of vision by enucleation
15	of an eye or its reduction to one-tenth $(1/10)$ of normal vision with
16	glasses, one hundred fifty (150) weeks, and for any other
17	permanent reduction of the sight of an eye, compensation shall be
18	paid for a period proportionate to the degree of such permanent
19	reduction without correction or glasses. However, when such
20	permanent reduction without correction or glasses would result in
21	one hundred percent (100%) loss of vision, but correction or
22	glasses would result in restoration of vision, then compensation
23	shall be paid for fifty percent (50%) of such total loss of vision
24	without glasses plus an additional amount equal to the
25	proportionate amount of such reduction with glasses, not to
26	exceed an additional fifty percent (50%).
27	(7) For the permanent and complete loss of hearing, two hundred
28	(200) weeks.
29	(8) In all other cases of permanent partial impairment,
30	compensation proportionate to the degree of such permanent
31	partial impairment, in the discretion of the worker's compensation
32	board, not exceeding five hundred (500) weeks.
33	(9) In all cases of permanent disfigurement, which may impair the
34	future usefulness or opportunities of the employee, compensation
35	in the discretion of the worker's compensation board, not
36	exceeding two hundred (200) weeks, except that no compensation
37	shall be payable under this paragraph where compensation shall
38	be payable under subdivisions (1) through (8). Where
39	compensation for temporary total disability has been paid, this
40	amount of compensation shall be deducted from any
41	compensation due for permanent disfigurement.
42	(k) With respect to disablements in the following schedule occurring



on and after July 1, 1991, the employee shall receive in addition to temporary total disability benefits, not exceeding one hundred twenty-five (125) weeks on account of the disablement, compensation in an amount determined under the following schedule to be paid weekly at a rate of sixty-six and two-thirds percent (66 2/3%) of the employee's average weekly wages during the fifty-two (52) weeks immediately preceding the week in which the disablement occurred:

- (1) Amputation: For the loss by separation of the thumb, twelve (12) degrees of permanent impairment; of the index finger, eight (8) degrees of permanent impairment; of the second finger, seven (7) degrees of permanent impairment; of the third or ring finger, six (6) degrees of permanent impairment; of the fourth or little finger, four (4) degrees of permanent impairment; of the hand by separation below the elbow joint, forty (40) degrees of permanent impairment; of the arm above the elbow, fifty (50) degrees of permanent impairment; of the big toe, twelve (12) degrees of permanent impairment; of the second toe, six (6) degrees of permanent impairment; of the third toe, four (4) degrees of permanent impairment; of the fourth toe, three (3) degrees of permanent impairment; of the fifth or little toe, two (2) degrees of permanent impairment; of separation of the foot below the knee joint, thirty-five (35) degrees of permanent impairment; and of the leg above the knee joint, forty-five (45) degrees of permanent impairment.
- (2) Amputations occurring on or after July 1, 1997: For the loss by separation of any of the body parts described in subdivision (1) on or after July 1, 1997, the dollar values per degree applying on the date of the injury as described in subsection (l) shall be multiplied by two (2). However, the doubling provision of this subdivision does not apply to a loss of use that is not a loss by separation.
- (3) The loss of more than one (1) phalange of a thumb or toe shall be considered as the loss of the entire thumb or toe. The loss of more than two (2) phalanges of a finger shall be considered as the loss of the entire finger. The loss of not more than one (1) phalange of a thumb or toe shall be considered as the loss of one-half (1/2) of the degrees of permanent impairment for the loss of the entire thumb or toe. The loss of not more than one (1) phalange of a finger shall be considered as the loss of one-third (1/3) of the finger and compensation shall be paid for one-third (1/3) of the degrees payable for the loss of the entire finger. The loss of more than one (1) phalange of the finger but not more than









1	two (2) phalanges of the finger shall be considered as the loss of
2	one-half (1/2) of the finger and compensation shall be paid for
3	one-half (1/2) of the degrees payable for the loss of the entire
4	finger.
5	(4) For the loss by separation of both hands or both feet or the
6	total sight of both eyes or any two (2) such losses in the same
7	accident, one hundred (100) degrees of permanent impairment.
8	(5) For the permanent and complete loss of vision by enucleation
9	or its reduction to one-tenth $(1/10)$ of normal vision with glasses,
10	thirty-five (35) degrees of permanent impairment.
11	(6) For the permanent and complete loss of hearing in one (1) ear,
12	fifteen (15) degrees of permanent impairment, and in both ears,
13	forty (40) degrees of permanent impairment.
14	(7) For the loss of one (1) testicle, ten (10) degrees of permanent
15	impairment; for the loss of both testicles, thirty (30) degrees of
16	permanent impairment.
17	(8) Loss of use: The total permanent loss of the use of an arm, a
18	hand, a thumb, a finger, a leg, a foot, a toe, or a phalange shall be
19	considered as the equivalent of the loss by separation of the arm,
20	hand, thumb, finger, leg, foot, toe, or phalange, and compensation
21	shall be paid in the same amount as for the loss by separation.
22	However, the doubling provision of subdivision (2) does not
23	apply to a loss of use that is not a loss by separation.
24	(9) Partial loss of use: For the permanent partial loss of the use of
25	an arm, a hand, a thumb, a finger, a leg, a foot, a toe, or a
26	phalange, compensation shall be paid for the proportionate loss of
27	the use of the arm, hand, thumb, finger, leg, foot, toe, or phalange.
28	(10) For disablements resulting in total permanent disability, the
29	amount payable for impairment or five hundred (500) weeks of
30	compensation, whichever is greater.
31	(11) For any permanent reduction of the sight of an eye less than
32	a total loss as specified in subdivision (5), the compensation shall
33	be paid in an amount proportionate to the degree of a permanent
34	reduction without correction or glasses. However, when a
35	permanent reduction without correction or glasses would result in
36	one hundred percent (100%) loss of vision, then compensation
37	shall be paid for fifty percent (50%) of the total loss of vision
38	without glasses, plus an additional amount equal to the
39	proportionate amount of the reduction with glasses, not to exceed
40	an additional fifty percent (50%).
41	(12) For any permanent reduction of the hearing of one (1) or both
42	ears, less than the total loss as specified in subdivision (6),



1	compensation shall be paid in an amount proportionate to the
2	degree of a permanent reduction.
3	(13) In all other cases of permanent partial impairment,
4	compensation proportionate to the degree of a permanent partial
5	impairment, in the discretion of the worker's compensation board,
6	not exceeding one hundred (100) degrees of permanent
7	impairment.
8	(14) In all cases of permanent disfigurement which may impair
9	the future usefulness or opportunities of the employee,
10	compensation, in the discretion of the worker's compensation
11	board, not exceeding forty (40) degrees of permanent impairment
12	except that no compensation shall be payable under this
13	subdivision where compensation is payable elsewhere in this
14	section.
15	(1) With respect to disablements occurring on and after July 1, 1991,
16	compensation for permanent partial impairment shall be paid according
17	to the degree of permanent impairment for the disablement determined
18	under subsection (k) and the following:
19	(1) With respect to disablements occurring on and after July 1,
20	1991, and before July 1, 1992, for each degree of permanent
21	impairment from one (1) to thirty-five (35), five hundred dollars
22	(\$500) per degree; for each degree of permanent impairment from
23	thirty-six (36) to fifty (50), nine hundred dollars (\$900) per
24	degree; for each degree of permanent impairment above fifty (50),
25	one thousand five hundred dollars (\$1,500) per degree.
26	(2) With respect to disablements occurring on and after July 1,
27	1992, and before July 1, 1993, for each degree of permanent
28	impairment from one (1) to twenty (20), five hundred dollars
29	(\$500) per degree; for each degree of permanent impairment from
30	twenty-one (21) to thirty-five (35), eight hundred dollars (\$800)
31	per degree; for each degree of permanent impairment from
32	thirty-six (36) to fifty (50), one thousand three hundred dollars
33	(\$1,300) per degree; for each degree of permanent impairment
34	above fifty (50), one thousand seven hundred dollars (\$1,700) per
35	degree.
36	(3) With respect to disablements occurring on and after July 1,
37	1993, and before July 1, 1997, for each degree of permanent
38	impairment from one (1) to ten (10), five hundred dollars (\$500)
39	per degree; for each degree of permanent impairment from eleven
40	(11) to twenty (20), seven hundred dollars (\$700) per degree; for
41	each degree of permanent impairment from twenty-one (21) to
12	thirty-five (35), one thousand dollars (\$1,000) per degree; for



1	each degree of permanent impairment from thirty-six (36) to fifty
2	(50), one thousand four hundred dollars (\$1,400) per degree; for
3	each degree of permanent impairment above fifty (50), one
4	thousand seven hundred dollars (\$1,700) per degree.
5	(4) With respect to disablements occurring on and after July 1,
6	1997, and before July 1, 1998, for each degree of permanent
7	impairment from one (1) to ten (10), seven hundred fifty dollars
8	(\$750) per degree; for each degree of permanent impairment from
9	eleven (11) to thirty-five (35), one thousand dollars (\$1,000) per
0	degree; for each degree of permanent impairment from thirty-six
1	(36) to fifty (50), one thousand four hundred dollars (\$1,400) per
2	degree; for each degree of permanent impairment above fifty (50),
3	one thousand seven hundred dollars (\$1,700) per degree.
4	(5) With respect to disablements occurring on and after July 1,
.5	1998, and before July 1, 1999, for each degree of permanent
6	impairment from one (1) to ten (10), seven hundred fifty dollars
7	(\$750) per degree; for each degree of permanent impairment from
. 8	eleven (11) to thirty-five (35), one thousand dollars (\$1,000) per
9	degree; for each degree of permanent impairment from thirty-six
20	(36) to fifty (50), one thousand four hundred dollars (\$1,400) per
21	degree; for each degree of permanent impairment above fifty (50),
22	one thousand seven hundred dollars (\$1,700) per degree.
23	(6) With respect to disablements occurring on and after July 1,
24	1999, and before July 1, 2000, for each degree of permanent
25	impairment from one (1) to ten (10), nine hundred dollars (\$900)
26	per degree; for each degree of permanent impairment from eleven
27	(11) to thirty-five (35), one thousand one hundred dollars
28	(\$1,100) per degree; for each degree of permanent impairment
29	from thirty-six (36) to fifty (50), one thousand six hundred dollars
30	(\$1,600) per degree; for each degree of permanent impairment
31	above fifty (50), two thousand dollars (\$2,000) per degree.
32	(7) With respect to disablements occurring on and after July 1,
33	2000, and before July 1, 2001, for each degree of permanent
34	impairment from one (1) to ten (10), one thousand one hundred
35	dollars (\$1,100) per degree; for each degree of permanent
66	impairment from eleven (11) to thirty-five (35), one thousand
37	three hundred dollars (\$1,300) per degree; for each degree of
8	permanent impairment from thirty-six (36) to fifty (50), two
19	thousand dollars (\$2,000) per degree; for each degree of
10	permanent impairment above fifty (50), two thousand five
1	hundred fifty dollars (\$2,500) per degree.
12	(8) With respect to disablements occurring on and after July 1.



1	2001, and before July 1, 2007, for each degree of permanent
2	impairment from one (1) to ten (10), one thousand three hundred
3	dollars (\$1,300) per degree; for each degree of permanent
4	impairment from eleven (11) to thirty-five (35), one thousand five
5	hundred dollars (\$1,500) per degree; for each degree of
6	permanent impairment from thirty-six (36) to fifty (50), two
7	thousand four hundred dollars (\$2,400) per degree; for each
8	degree of permanent impairment above fifty (50), three thousand
9	dollars (\$3,000) per degree.
10	(9) With respect to disablements occurring on and after July 1,
11	2007, and before July 1, 2008, for each degree of permanent
12	impairment from one (1) to ten (10), one thousand three hundred
13	forty fifty dollars (\$1,340) (\$1,350) per degree; for each degree
14	of permanent impairment from eleven (11) to thirty-five (35), one
15	thousand five hundred forty-five fifty-seven dollars (\$1,545)
16	(\$1,557) per degree; for each degree of permanent impairment
17	from thirty-six (36) to fifty (50), two thousand four hundred
18	seventy-five ninety-one dollars (\$2,475) (\$2,491) per degree; for
19	each degree of permanent impairment above fifty (50), three
20	thousand one hundred fifty fourteen dollars (\$3,150) (\$3,114) per
21	degree.
22	(10) With respect to disablements occurring on and after July 1,
23	2008, and before July 1, 2009, for each degree of permanent
24	impairment from one (1) to ten (10), one thousand three four
25	hundred sixty-five one dollars (\$1,365) (\$1,401) per degree; for
26	each degree of permanent impairment from eleven (11) to
27	thirty-five (35), one thousand five six hundred seventy sixteen
28	dollars (\$1,570) (\$1,616) per degree; for each degree of
29	permanent impairment from thirty-six (36) to fifty (50), two
30	thousand five hundred twenty-five eighty-six dollars (\$2,525)
31	(\$2,586) per degree; for each degree of permanent impairment
32	above fifty (50), three thousand two hundred thirty-three dollars
33	(\$3,200) (\$3,233) per degree.
34	(11) With respect to disablements occurring on and after July 1,
35	2009, and before July 1, 2010, for each degree of permanent
36	impairment from one (1) to ten (10), one thousand three four
37	hundred eighty fifty-four dollars (\$1,380) (\$1,454) per degree;
38	for each degree of permanent impairment from eleven (11) to
39	thirty-five (35), one thousand five six hundred eighty-five
40	seventy-eight dollars (\$1,585) (\$1,678) per degree; for each
41	degree of permanent impairment from thirty-six (36) to fifty (50)

two thousand six hundred eighty-five dollars (\$2,600) (\$2,685)



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1	per degree; for each degree of permanent impairment above fifty	
2	(50), three thousand three hundred fifty-six dollars (\$3,300)	
3	(\$3,356) per degree.	
4	(12) With respect to disablements occurring on and after July 1,	
5	2010, for each degree of permanent impairment from one (1) to	
6	ten (10), one thousand four five hundred nine dollars (\$1,400)	
7	(\$1,509) per degree; for each degree of permanent impairment	
8	from eleven (11) to thirty-five (35), one thousand six seven	
9	hundred forty-two dollars (\$1,600) (\$1,742) per degree; for each	
10	degree of permanent impairment from thirty-six (36) to fifty (50),	
11	two thousand seven hundred eighty-seven dollars (\$2,700)	
12	(\$2,787) per degree; for each degree of permanent impairment	
13	above fifty (50), three thousand five four hundred eighty-four	
14	dollars (\$3,500) (\$3,484) per degree.	
15	(m) The average weekly wages used in the determination of	
16	compensation for permanent partial impairment under subsections (k)	
17	and (l) shall not exceed the following:	
18	(1) With respect to disablements occurring on or after July 1,	
19	1991, and before July 1, 1992, four hundred ninety-two dollars	
20	(\$492).	
21	(2) With respect to disablements occurring on or after July 1,	
22	1992, and before July 1, 1993, five hundred forty dollars (\$540).	
23	(3) With respect to disablements occurring on or after July 1,	
24	1993, and before July 1, 1994, five hundred ninety-one dollars	
25	(\$591).	
26	(4) With respect to disablements occurring on or after July 1,	
27	1994, and before July 1, 1997, six hundred forty-two dollars	
28	(\$642).	
29	(5) With respect to disablements occurring on or after July 1,	
30	1997, and before July 1, 1998, six hundred seventy-two dollars	
31	(\$672).	
32	(6) With respect to disablements occurring on or after July 1,	
33	1998, and before July 1, 1999, seven hundred two dollars (\$702).	
34	(7) With respect to disablements occurring on or after July 1,	
35	1999, and before July 1, 2000, seven hundred thirty-two dollars	
36	(\$732).	
37	(8) With respect to disablements occurring on or after July 1,	
38	2000, and before July 1, 2001, seven hundred sixty-two dollars	
39	(\$762).	
40	(9) With respect to injuries occurring on or after July 1, 2001, and	
41	before July 1, 2002, eight hundred twenty-two dollars (\$822).	
42	(10) With respect to injuries occurring on or after July 1, 2002,	



1	and before July 1, 2006, eight hundred eighty-two dollars (\$882).
2	(11) With respect to injuries occurring on or after July 1, 2006,
3	and before July 1, 2007, nine hundred dollars (\$900).
4	(12) With respect to injuries occurring on or after July 1, 2007,
5	and before July 1, 2008, nine hundred thirty thirty-four dollars
6	(\$930). (\$934).
7	(13) With respect to injuries occurring on or after July 1, 2008,
8	and before July 1, 2009, nine hundred fifty-four seventy dollars
9	(\$954). (\$970).
10	(14) With respect to injuries occurring on or after July 1, 2009,
11	nine hundred seventy-five and before July 1, 2010, one
12	thousand seven dollars (\$975). (\$1,007).
13	(15) With respect to injuries occurring on or after July 1,
14	2010, one thousand forty-five dollars (\$1,045).
15	(n) If any employee, only partially disabled, refuses employment
16	suitable to the employee's capacity procured for the employee, the
17	employee shall not be entitled to any compensation at any time during
18	the continuance of such refusal unless, in the opinion of the worker's
19	compensation board, such refusal was justifiable. The employee must
20	be served with a notice setting forth the consequences of the refusal
21	under this subsection. The notice must be in a form prescribed by the
22	worker's compensation board.
23	(o) If an employee has sustained a permanent impairment or
24	disability from an accidental injury other than an occupational disease
25	in another employment than that in which the employee suffered a
26	subsequent disability from an occupational disease, such as herein
27	specified, the employee shall be entitled to compensation for the
28	subsequent disability in the same amount as if the previous impairment
29	or disability had not occurred. However, if the permanent impairment
30	or disability resulting from an occupational disease for which
31	compensation is claimed results only in the aggravation or increase of
32	a previously sustained permanent impairment from an occupational
33	disease or physical condition regardless of the source or cause of such

previously sustained impairment from an occupational disease or

physical condition, the board shall determine the extent of the

previously sustained permanent impairment from an occupational

disease or physical condition as well as the extent of the aggravation or

increase resulting from the subsequent permanent impairment or

disability, and shall award compensation only for that part of said

occupational disease or physical condition resulting from the

subsequent permanent impairment. An amputation of any part of the

body or loss of any or all of the vision of one (1) or both eyes caused by



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an occupational disease shall be considered as a permanent impairment or physical condition.

- (p) If an employee suffers a disablement from an occupational disease for which compensation is payable while the employee is still receiving or entitled to compensation for a previous injury by accident or disability by occupational disease in the same employment, the employee shall not at the same time be entitled to compensation for both, unless it be for a permanent injury, such as specified in subsection (k)(1), (k)(4), (k)(5), (k)(8), or (k)(9), but the employee shall be entitled to compensation for that disability and from the time of that disability which will cover the longest period and the largest amount payable under this chapter.
- (q) If an employee receives a permanent disability from an occupational disease such as specified in subsection (k)(1), (k)(4), (k)(5), (k)(8), or (k)(9) after having sustained another such permanent disability in the same employment the employee shall be entitled to compensation for both such disabilities, but the total compensation shall be paid by extending the period and not by increasing the amount of weekly compensation and, when such previous and subsequent permanent disabilities, in combination result in total permanent disability or permanent total impairment, compensation shall be payable for such permanent total disability or impairment, but payments made for the previous disability or impairment shall be deducted from the total payment of compensation due.
- (r) When an employee has been awarded or is entitled to an award of compensation for a definite period from an occupational disease wherein disablement occurs on and after April 1, 1963, and such employee dies from other causes than such occupational disease, payment of the unpaid balance of such compensation not exceeding three hundred fifty (350) weeks shall be paid to the employee's dependents of the second and third class as defined in sections 11 through 14 of this chapter and compensation, not exceeding five hundred (500) weeks shall be made to the employee's dependents of the first class as defined in sections 11 through 14 of this chapter.
- (s) Any payment made by the employer to the employee during the period of the employee's disability, or to the employee's dependents, which, by the terms of this chapter, was not due and payable when made, may, subject to the approval of the worker's compensation board, be deducted from the amount to be paid as compensation, but such deduction shall be made from the distal end of the period during which compensation must be paid, except in cases of temporary disability.
 - (t) When so provided in the compensation agreement or in the











award of the worker's compensation board, compensation may be paid semimonthly, or monthly, instead of weekly.

- (u) When the aggregate payments of compensation awarded by agreement or upon hearing to an employee or dependent under eighteen (18) years of age do not exceed one hundred dollars (\$100), the payment thereof may be made directly to such employee or dependent, except when the worker's compensation board shall order otherwise.
- (v) Whenever the aggregate payments of compensation, due to any person under eighteen (18) years of age, exceed one hundred dollars (\$100), the payment thereof shall be made to a trustee, appointed by the circuit or superior court, or to a duly qualified guardian, or, upon the order of the worker's compensation board, to a parent or to such minor person. The payment of compensation, due to any person eighteen (18) years of age or over, may be made directly to such person.
- (w) If an employee, or a dependent, is mentally incompetent, or a minor at the time when any right or privilege accrues to the employee under this chapter, the employee's guardian or trustee may, in the employee's behalf, claim and exercise such right and privilege.
- (x) All compensation payments named and provided for in this section, shall mean and be defined to be for only such occupational diseases and disabilities therefrom as are proved by competent evidence, of which there are or have been objective conditions or symptoms proven, not within the physical or mental control of the employee.

SECTION 4. IC 22-3-7-19, AS AMENDED BY P.L.134-2006, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 19. (a) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to occupational diseases occurring on and after July 1, 1985, and before July 1, 1986, the average weekly wages are considered to be:

- (1) not more than two hundred sixty-seven dollars (\$267); and
- (2) not less than seventy-five dollars (\$75).
- (b) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to occupational diseases occurring on and after July 1, 1986, and before July 1, 1988, the average weekly wages are considered to be:
 - (1) not more than two hundred eighty-five dollars (\$285); and
 - (2) not less than seventy-five dollars (\$75).
- (c) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to occupational diseases occurring on and after July 1, 1988, and before



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July 1, 1989, the average weekly wages are considered to be: (1) not more than three hundred eighty-four dollars (\$384); and (2) not less than seventy-five dollars (\$75). (d) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to occupational diseases occurring on and after July 1, 1989, and before July 1, 1990, the average weekly wages are considered to be: (1) not more than four hundred eleven dollars (\$411); and (2) not less than seventy-five dollars (\$75). (e) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to occupational diseases occurring on and after July 1, 1990, and before July 1, 1991, the average weekly wages are considered to be: (1) not more than four hundred forty-one dollars (\$441); and (2) not less than seventy-five dollars (\$75). (f) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to occupational diseases occurring on and after July 1, 1991, and before July 1, 1992, the average weekly wages are considered to be: (1) not more than four hundred ninety-two dollars (\$492); and (2) not less than seventy-five dollars (\$75). (g) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to occupational diseases occurring on and after July 1, 1992, and before July 1, 1993, the average weekly wages are considered to be: (1) not more than five hundred forty dollars (\$540); and (2) not less than seventy-five dollars (\$75). (h) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to occupational diseases occurring on and after July 1, 1993, and before July 1, 1994, the average weekly wages are considered to be: (1) not more than five hundred ninety-one dollars (\$591); and (2) not less than s		
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to occupational diseases occurring on and after July 1, 1993, and before July 1, 1994, the average weekly wages are considered to be: (1) not more than five hundred ninety-one dollars (\$591); and (2) not less than seventy-five dollars (\$75). (i) In computing compensation for temporary total disability, temporary partial disability and total permanent disability, with respect to occupational diseases occurring on and after July 1, 1994, and before July 1, 1997, the average weekly wages are considered to be: (1) not more than six hundred forty-two dollars (\$642); and (2) not less than seventy-five dollars (\$75). (j) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, the average	28	(h) In computing compensation for temporary total disability,
July 1, 1994, the average weekly wages are considered to be: (1) not more than five hundred ninety-one dollars (\$591); and (2) not less than seventy-five dollars (\$75). (i) In computing compensation for temporary total disability, temporary partial disability and total permanent disability, with respect to occupational diseases occurring on and after July 1, 1994, and before July 1, 1997, the average weekly wages are considered to be: (1) not more than six hundred forty-two dollars (\$642); and (2) not less than seventy-five dollars (\$75). (j) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, the average	29	temporary partial disability, and total permanent disability, with respect
(1) not more than five hundred ninety-one dollars (\$591); and (2) not less than seventy-five dollars (\$75). (i) In computing compensation for temporary total disability, temporary partial disability and total permanent disability, with respect to occupational diseases occurring on and after July 1, 1994, and before July 1, 1997, the average weekly wages are considered to be: (1) not more than six hundred forty-two dollars (\$642); and (2) not less than seventy-five dollars (\$75). (j) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, the average	0	to occupational diseases occurring on and after July 1, 1993, and before
(2) not less than seventy-five dollars (\$75). (i) In computing compensation for temporary total disability, temporary partial disability and total permanent disability, with respect to occupational diseases occurring on and after July 1, 1994, and before July 1, 1997, the average weekly wages are considered to be: (1) not more than six hundred forty-two dollars (\$642); and (2) not less than seventy-five dollars (\$75). (j) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, the average	1	July 1, 1994, the average weekly wages are considered to be:
(i) In computing compensation for temporary total disability, temporary partial disability and total permanent disability, with respect to occupational diseases occurring on and after July 1, 1994, and before July 1, 1997, the average weekly wages are considered to be: (1) not more than six hundred forty-two dollars (\$642); and (2) not less than seventy-five dollars (\$75). (j) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, the average	32	(1) not more than five hundred ninety-one dollars (\$591); and
temporary partial disability and total permanent disability, with respect to occupational diseases occurring on and after July 1, 1994, and before July 1, 1997, the average weekly wages are considered to be: (1) not more than six hundred forty-two dollars (\$642); and (2) not less than seventy-five dollars (\$75). (j) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, the average	33	(2) not less than seventy-five dollars (\$75).
to occupational diseases occurring on and after July 1, 1994, and before July 1, 1997, the average weekly wages are considered to be: (1) not more than six hundred forty-two dollars (\$642); and (2) not less than seventy-five dollars (\$75). (j) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, the average	34	(i) In computing compensation for temporary total disability,
July 1, 1997, the average weekly wages are considered to be: (1) not more than six hundred forty-two dollars (\$642); and (2) not less than seventy-five dollars (\$75). (j) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, the average	35	temporary partial disability and total permanent disability, with respect
(1) not more than six hundred forty-two dollars (\$642); and (2) not less than seventy-five dollars (\$75). (j) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, the average	66	to occupational diseases occurring on and after July 1, 1994, and before
 (2) not less than seventy-five dollars (\$75). (j) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, the average 	37	July 1, 1997, the average weekly wages are considered to be:
(j) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, the average	8	(1) not more than six hundred forty-two dollars (\$642); and
temporary partial disability, and total permanent disability, the average	9	(2) not less than seventy-five dollars (\$75).
	10	(j) In computing compensation for temporary total disability,
weekly wages are considered to be:	1	temporary partial disability, and total permanent disability, the average
· · · · · · · · · · · · · · · · · · ·	12	weekly wages are considered to be:



1 2	(1) with respect to occupational diseases occurring on and after July 1, 1997, and before July 1, 1998:	
3	(A) not more than six hundred seventy-two dollars (\$672); and	
4	(B) not less than seventy-five dollars (\$75);	
5	(2) with respect to occupational diseases occurring on and after	
6	July 1, 1998, and before July 1, 1999:	
7	(A) not more than seven hundred two dollars (\$702); and	
8	(B) not less than seventy-five dollars (\$75);	
9	(3) with respect to occupational diseases occurring on and after	
10	July 1, 1999, and before July 1, 2000:	
11	(A) not more than seven hundred thirty-two dollars (\$732);	
12	and	
13	(B) not less than seventy-five dollars (\$75);	
14	(4) with respect to occupational diseases occurring on and after	
15	July 1, 2000, and before July 1, 2001:	
16	(A) not more than seven hundred sixty-two dollars (\$762); and	
17	(B) not less than seventy-five dollars (\$75);	
18	(5) with respect to disablements occurring on and after July 1,	
19	2001, and before July 1, 2002:	
20	(A) not more than eight hundred twenty-two dollars (\$822);	
21	and	
22	(B) not less than seventy-five dollars (\$75);	
23	(6) with respect to disablements occurring on and after July 1,	
24	2002, and before July 1, 2006:	
25	(A) not more than eight hundred eighty-two dollars (\$882);	
26	and	
27	(B) not less than seventy-five dollars (\$75);	
28	(7) with respect to disablements occurring on and after July 1,	V
29	2006, and before July 1, 2007:	
30	(A) not more than nine hundred dollars (\$900); and	
31	(B) not less than seventy-five dollars (\$75);	
32	(8) with respect to disablements occurring on and after July 1,	
33	2007, and before July 1, 2008:	
34	(A) not more than nine hundred thirty thirty-four dollars	
35	(\$930); (\$934) ; and	
36	(B) not less than seventy-five dollars (\$75);	
37	(9) with respect to disablements occurring on and after July 1,	
38	2008, and before July 1, 2009:	
39	(A) not more than nine hundred fifty-four seventy dollars	
40	(\$954); (\$970) ; and	
41	(B) not less than seventy-five dollars (\$75);	
12	(10) with respect to disablements occurring on and after July 1,	



1	2009, and before July 1, 2010:	
2	(A) not more than nine hundred seventy-five one thousand	
3	seven dollars (\$975); (\$1,007); and	
4	(B) not less than seventy-five dollars (\$75); and	
5	(11) with respect to disablements occurring on and after July	
6	1, 2010:	
7	(A) not more than one thousand forty-five dollars (\$1,045);	
8	and	
9	(B) not less than seventy-five dollars (\$75).	
10	(k) The maximum compensation with respect to disability or death	1
11	occurring on and after July 1, 1985, and before July 1, 1986, which	1
12	shall be paid for occupational disease and the results thereof under the	
13	provisions of this chapter or under any combination of its provisions	
14	may not exceed eighty-nine thousand dollars (\$89,000) in any case.	
15	(l) The maximum compensation with respect to disability or death	
16	occurring on and after July 1, 1986, and before July 1, 1988, which	(
17	shall be paid for occupational disease and the results thereof under the	,
18	provisions of this chapter or under any combination of its provisions	
19	may not exceed ninety-five thousand dollars (\$95,000) in any case.	
20	(m) The maximum compensation with respect to disability or death	
21	occurring on and after July 1, 1988, and before July 1, 1989, that shall	
22	be paid for occupational disease and the results thereof under this	
23	chapter or under any combination of its provisions may not exceed one	
24	hundred twenty-eight thousand dollars (\$128,000) in any case.	
25	(n) The maximum compensation with respect to disability or death	
26	occurring on and after July 1, 1989, and before July 1, 1990, that shall	,
27	be paid for occupational disease and the results thereof under this	`
28	chapter or under any combination of its provisions may not exceed one	
29	hundred thirty-seven thousand dollars (\$137,000) in any case.	1
30	(o) The maximum compensation with respect to disability or death	
31	occurring on and after July 1, 1990, and before July 1, 1991, that shall	
32	be paid for occupational disease and the results thereof under this	
33	chapter or under any combination of its provisions may not exceed one	
34	hundred forty-seven thousand dollars (\$147,000) in any case.	
35	(p) The maximum compensation with respect to disability or death	
36	occurring on and after July 1, 1991, and before July 1, 1992, that shall	
37	be paid for occupational disease and the results thereof under this	
38	chapter or under any combination of the provisions of this chapter may	
39	not exceed one hundred sixty-four thousand dollars (\$164,000) in any	
40	case.	

(q) The maximum compensation with respect to disability or death

occurring on and after July 1, 1992, and before July 1, 1993, that shall



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case.

1	be paid for occupational disease and the results thereof under this
2	chapter or under any combination of the provisions of this chapter may
3	not exceed one hundred eighty thousand dollars (\$180,000) in any case.
4	(r) The maximum compensation with respect to disability or death
5	occurring on and after July 1, 1993, and before July 1, 1994, that shall
6	be paid for occupational disease and the results thereof under this
7	chapter or under any combination of the provisions of this chapter may
8	not exceed one hundred ninety-seven thousand dollars (\$197,000) in
9	any case.
10	(s) The maximum compensation with respect to disability or death
11	occurring on and after July 1, 1994, and before July 1, 1997, that shall
12	be paid for occupational disease and the results thereof under this
13	chapter or under any combination of the provisions of this chapter may
14	not exceed two hundred fourteen thousand dollars (\$214,000) in any
15	case.
16	(t) The maximum compensation that shall be paid for occupational
17	disease and the results of an occupational disease under this chapter or
18	under any combination of the provisions of this chapter may not exceed
19	the following amounts in any case:
20	(1) With respect to disability or death occurring on and after July
21	1, 1997, and before July 1, 1998, two hundred twenty-four
22	thousand dollars (\$224,000).
23	(2) With respect to disability or death occurring on and after July
24	1, 1998, and before July 1, 1999, two hundred thirty-four
25	thousand dollars (\$234,000).
26	(3) With respect to disability or death occurring on and after July
27	1, 1999, and before July 1, 2000, two hundred forty-four thousand
28	dollars (\$244,000).
29	(4) With respect to disability or death occurring on and after July
30	1, 2000, and before July 1, 2001, two hundred fifty-four thousand
31	dollars (\$254,000).
32	(5) With respect to disability or death occurring on and after July
33	1, 2001, and before July 1, 2002, two hundred seventy-four
34	thousand dollars (\$274,000).
35	(6) With respect to disability or death occurring on and after July
36	1, 2002, and before July 1, 2006, two hundred ninety-four
37	thousand dollars (\$294,000).
38	(7) With respect to disability or death occurring on and after July
39	1, 2006, and before July 1, 2007, three hundred thousand dollars
40	(\$300,000).
41	(8) With respect to disability or death occurring on and after July
42	1, 2007, and before July 1, 2008, three hundred ten eleven



thousand four	hundred t	hirty	dollars	(\$310),000). (\$3	11,430).		
(9) With respec	et to disabil	ity or	death o	ccurri	ing on and	after July		
1, 2008, and	before Ju	ly 1,	2009,	three	hundred	eighteen		
twenty-three	thousand	two	hundı	red 1	ninety-five	e dollars		
(\$318,000). (\$323,295).								
(10) With respo	ect to disab	ility o	r death	occui	ring on or	after July		

- (10) With respect to disability or death occurring on or after July 1, 2009, and before July 1, 2010, three hundred twenty-five thirty-five thousand six hundred thirteen dollars (\$325,000). (\$335,613).
- (11) With respect to disability or death occurring on or after July 1, 2010, three hundred forty-eight thousand four hundred dollars (\$348,400).
- (u) For all disabilities occurring on and after July 1, 1985, "average weekly wages" means the earnings of the injured employee during the period of fifty-two (52) weeks immediately preceding the disability divided by fifty-two (52). If the employee lost seven (7) or more calendar days during the period, although not in the same week, then the earnings for the remainder of the fifty-two (52) weeks shall be divided by the number of weeks and parts of weeks remaining after the time lost has been deducted. If employment before the date of disability extended over a period of less than fifty-two (52) weeks, the method of dividing the earnings during that period by the number of weeks and parts of weeks during which the employee earned wages shall be followed if results just and fair to both parties will be obtained. If by reason of the shortness of the time during which the employee has been in the employment of the employer or of the casual nature or terms of the employment it is impracticable to compute the average weekly wages for the employee, the employee's average weekly wages shall be considered to be the average weekly amount that, during the fifty-two (52) weeks before the date of disability, was being earned by a person in the same grade employed at the same work by the same employer or, if there is no person so employed, by a person in the same grade employed in that same class of employment in the same district. Whenever allowances of any character are made to an employee instead of wages or a specified part of the wage contract, they shall be considered a part of the employee's earnings.
- (v) The provisions of this article may not be construed to result in an award of benefits in which the number of weeks paid or to be paid for temporary total disability, temporary partial disability, or permanent total disability benefits combined exceeds five hundred (500) weeks. This section shall not be construed to prevent a person from applying for an award under IC 22-3-3-13. However, in case of permanent total



- disability resulting from a disablement occurring on or after January 1,
- 2 1998, the minimum total benefit shall not be less than seventy-five
- thousand dollars (\$75,000).

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